

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KYLE PAUL CRESPIN,

Plaintiff,

v.

Civ. No. 22-0811 KG-KK

CITY OF ALBUQUERQUE, *et al*,

Defendants.

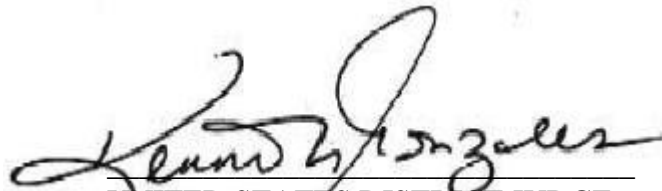
ORDER REOPENING CASE

This matter is before the Court following further research regarding the filing fee in Plaintiff's prisoner civil rights action. By an Order entered December 16, 2022, the Court granted leave to proceed *in forma pauperis*, which reduces the fee to \$350. (Doc. 5). The Court also directed Plaintiff to make an initial partial payment of \$38.40 by January 16, 2023. It appeared Plaintiff failed to comply, and the Court dismissed this case without prejudice on February 2, 2023. (Docs. 6, 7). A recent financial reconciliation reveals that Plaintiff's \$350 fee arrived at the Court on January 9, 2023. (Doc. 8). The Clerk's Office credited the payment to this case to reflect that Plaintiff timely complied with the payment obligation and issued a letter explaining the situation.

Fed. R. Civ. P. 60(a) permits relief from a judgment in the event of a "clerical mistake ... or ... oversight or omission, whenever one is found in a judgment, order, or other part of the record." Rule 60(a) may be granted at any time, provided an appeal is not pending. *See Morrison Knudsen Corp. v. Ground Improvement Techniques, Inc.*, 532 F.3d 1063, 1085 (10th Cir. 2008) ("clerical mistakes ... may be corrected by the court at any time" under Rule 60(a)). No appeal is pending, and Rule 60(a) relief is in the interest of justice. Hence, the Court will reopen this case pursuant to Rule 60(a). Plaintiff need not take any further action at this time. The Court issue an

appropriate order after screening his Amended Civil Rights Complaint. *See* 28 U.S.C. § 1915(e) (requiring *sua sponte* review of *in forma pauperis* complaints).

IT IS ORDERED that the Clerk's Office shall reopen the above-captioned case.



UNITED STATES DISTRICT JUDGE